

TENTH DAY.

SENATE CHAMBER,
AUSTIN, January 22, 1875.

Senate met pursuant to adjournment. Roll called : quorum present. Prayer by the chaplain.

(Senator Westfall in the chair.)

Senator Davenport submitted the following report :

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Public Printing, to whom was referred that portion of the Governor's message relating to Public Printing, having had the same under consideration, ask leave to report the accompanying bill, and recommend its passage.

DAVENPORT, Chairman.

The title of the bill referred to is : "An act to provide for the proper auditing of the accounts of the Public Printer in certain cases." Read first time.

Senator Friend, Chairman Committee on Roads, Bridges and Ferries, submitted the following report :

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Roads, Bridges and Ferries have had under consideration Senate bill No. 492, "An act to regulate Public Roads in the State of Texas," and instruct me to report the same back to the Senate, and recommend that it do not pass ; it being the opinion of the committee that legislation in regard to the subject matter of the bill is inexpedient at this time.

W. R. FRIEND, Chairman.

(President in the chair.)

Senator Culberson, Chairman Committee on Internal Improvements, submitted the following reports :

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Internal Improvements to whom was referred House bill No. 563, "An act to incorporate the Corsicana and Palestine Railroad Company, and to aid in constructing the same by granting lands thereto," report the same back to the Senate, with the following amendment : "Amend by inserting after the words "real estate" the words "necessary for the purpose of said road only,"

in section 2, page 2, line 18, and recommend its passage as amended.

CULBERSON, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Internal Improvements have considered Senate bill No. 504, "An act supplemental to and amendatory of 'an act to incorporate the Austin and Pacific Short Line Railroad Company,'" and instruct me to report the same back to the Senate, with an amendment, and recommend its passage as amended. 1st. Strike out these words, "the Gulf of Mexico," and insert in lieu thereof, the word "Indianola." page 2, line 16. 2d. Add after the word "Mexico," in line 16, page 2, the words "provided said company shall run through the towns of Lockhart, in Caldwell county, and Gonzales, in Gonzales county, and establish and maintain depots within one-half mile of the courthouse, in said towns: *provided*, the general route of said road is in the direction of said towns."

CULBERSON, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Internal Improvements, report back to the Senate, Senate bill No. 524, "An act to amend section eight of 'an act to incorporate the Gulf, Colorado and Santa Fe Railroad Company.'" with the following amendment: Amend by striking out the words "to and" on page three, line eleven, and recommend its passage as amended.

CULBERSON, Chairman.

Senator Russell introduced a bill entitled "An act declaring certain parties to be outlaws." Read first time and referred to Judiciary Committee.

Senator Ireland introduced a bill entitled "An act to amend an act to provide for the appointment of sheriffs *pro tem.* in certain cases, and prescribing the manner of qualification and duties of such officers." Read first time.

On motion of Senator Ireland, the rules were suspended, bill read second time and ordered engrossed.

On motion of Senator Ireland, the rules were further suspended, bill read third time and passed.

Senator Bradley introduced a bill entitled "An act to amend an act to amend articles 757 and 766, of 'an act to adopt and establish a penal code for the State of Texas,'" Read first time and referred to Judiciary Committee.

A message was received from the House announcing the

passage of House bill No. 597, "An act to amend an act to create the county of Waller," passed April 28, 1873, "and to better define the boundary line between Grimes and Waller counties."

Also, the passage of House joint resolution No. 53, "Authorizing the Speaker of the House of Representatives and President of the Senate to employ attorneys to defend a certain suit pending in the district court of Travis county, and to defray expenses thereof;" also, the passage of House bill No. 603, "An act to legalize the adoption of certain amendments to the charter of the town of Victoria, in Victoria county."

On motion of Senator Dillard, the rules were suspended, and the bill introduced by Senator Davenport, entitled "An act to provide for the proper auditing of the accounts of the Public Printer," was taken up and read second time and ordered engrossed.

Senator Ireland offered the following amendment:

Add to end of the last section the words "contravening the provisions of this act." Adopted.

On motion of Senator Davenport the rules were further suspended, bill read third time and passed.

(Senator Joseph in the Chair.)

On motion of Senator Culberson, the rules were suspended, and House joint resolution No. 53, "Authorizing the Speaker of the House and President of the Senate to employ attorneys to defend a certain suit pending in the district court of Travis county, and to defray expenses thereof," was taken up and read first time.

On motion of Senator Westfall, the rules were further suspended and bill read second time.

Senator Ball offered the following amendment:

Amend by adding the words "and to defend a similar suit against the Hon. James E. Dillard, a member of this Senate, pending in the said court." Adopted.

Senator Culberson offered the following amendment:

Strike out "one thousand" and insert "fifteen hundred." Adopted.

On motion of Senator Friend, the rules were further suspended, bill read third time, as amended, and passed by the following vote:

YEAS—Senators Allison, Ball, Bradshaw, Bradley, Camp, Culberson, Davenport, Dwyer, Ellis, Erath, Flanagan,

Friend, Hobby, Ireland, Joseph, Morris, Moore, Parker, Russell, Shepard, Swift and Westfall—22.

NAYS—None.

(President in the chair.)

Senator Flanagan introduced a bill entitled "An act for the relief of J. W. Pope, special judge." Read first time and ordered to lie on the table.

Senator Westfall introduced a joint resolution "Instructing the Comptroller to re-issue pensions in certain cases." Read first time and referred to Committee on State Affairs.

Senator Hobby introduced a bill entitled "An act providing for a direct navigation company, to be known as 'The Southern Direct Trade Company of Patrons of Husbandry.'" Read first time and referred to Internal Improvement Committee.

Senator Allison introduced a joint resolution "Instructing and requesting our Congressional delegation to urge upon Congress the early and favorable consideration of the claims upon the people's gratitude, of those who rendered service in the army and navy of the United States in the late war with Mexico." Read first time and referred to Committee on Federal Relations.

Senator Russell introduced a bill entitled "An act to amend section two of an act entitled 'an act to prescribe the mode of adoption,' " approved January 16, 1850. Read first time and referred to Judiciary Committee.

Senator Allison presented a petition from citizens of Col. lin county, asking the passage of a law prohibiting the sale of spirits within four miles of Blue Ridge, in said county. Read and referred to Committee on State Affairs.

Senator Shepard introduced a bill entitled "An act supplemental to 'an act to provide for the registration of voters, and to repeal 'an act to provide for a special registration of voters preparatory to an election, under the provisions of an act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvement,' " approved April 29, 1873. Read first time and ordered to lie on the table.

A message was received from the House, announcing the passage of House resolution, "Appointing a committee of five Representatives to investigate Mexican border troubles;" said committee consisting of Representatives Moore, Lawhon, Henderson of Kendall, O'Neil and Smith

of Grimes ; and asking that the Senate appoint a like committee on the part of the Senate, to act in conjunction with House committee ; and that the House had made an appropriation of one thousand dollars to defray the expenses of said committee, to be paid out of the contingent fund.

On motion of Senator Russell, the rules were suspended, and the House resolution "appointing a committee of five Representatives to investigate Mexican border troubles," was taken up and read first time.

On motion of Senator Russell, the rules were further suspended, resolution read second time and passed to third reading.

On motion of Senator Erath, the rules were further suspended, resolution read third time and passed by the following vote :

YEAS—Senators Allison, Ball, Baker, Camp, Culberson, Dillard, Dwyer, Ellis, Erath, Flanagan, Friend, Hobby, Ireland, Joseph, Ledbetter, Moore, Parker, Russell, Shepard, Stirman, Swift and Westfall—22.

NAYS—Senators Bradshaw, Bradley, Davenport and Morris—4.

The President appointed as said committee Senators Russell, Ireland, Dwyer, Friend and Ellis.

On motion of Senator Friend, the rules were suspended, and House bill No. 603, "An act to legalize the adoption of certain amendments to the charter of the town of Victoria, in Victoria county," was taken up, read first time, and referred to Judiciary Committee.

A message was received from the House announcing the passage of House bill No. 609, "An act to authorize the Secretary of State to employ an additional clerk or clerks, and to make an appropriation for the same."

On motion of Senator Westfall, the rules were suspended, and House bill No. 609, "An act to authorize the Secretary of State to employ an additional clerk or clerks, and to make an appropriation for the same," was taken up and read first time.

On motion of Senator Westfall, the rules were further suspended, bill read second time and passed to third reading.

On motion of Senator Westfall, the rules were further suspended, bill read third time and passed by the following vote :

YEAS—Senators Allison, Ball, Baker, Bradshaw, Bradley, Camp, Dillard, Davenport, Dwyer, Ellis, Erath, Flan-

agan, Friend, Hobby, Ireland, Joseph, Ledbetter, Morris Parker, Shepard, Stirman, Swift and Westfall—23.

NAYS—Senator Culberson—1.

On motion of Senator Swift, the rules were suspended and House bill No. 570, "An act to authorize the town of Waxahachie to aid in the construction of the Waxahachie Tap Railroad," was taken up, read second time and passed to third reading.

On motion of Senator Swift, the rules were further suspended, bill read third time and passed.

The following House bills were taken from the President's table, read first time and referred:

House bill No. 573, "An act to prohibit the sale of intoxicating or spirituous liquors within two miles of the town of Buena Vista." Referred to Committee on State Affairs.

House bill No. 599, "An act to amend an act entitled 'an act to amend article 382, title XI, chapter 3, of the Penal Code.'" Referred to Judiciary Committee.

House bill No. 585, "An act to amend an act entitled 'an act to amend section one of an act entitled an act to amend the thirty-fourth and thirty-sixth sections of an act prescribing the times of holding the district courts in the State,' approved August 10, 1870; approved February 6, 1871; approved May 31, 1873." Referred to Judiciary Committee.

House bill No. 551, "An act to prohibit the manufacture or sale of intoxicating liquors within two miles of the public square of Honey Grove." Referred to Committee on State Affairs.

Substitute to House bill No. 564, "An act to authorize justices of the peace to authenticate process in certain cases." Referred to Judiciary Committee.

Substitute to House bill No. 566, "An act creating the office of county attorney, and defining the duties and fixing the compensation of such officer." Referred to Judiciary Committee.

House bill No. 536, "An act supplementary and amendatory of 'an act to incorporate the Western Narrow Gauge Railway Company, and the several supplementary and amendatory acts thereto.'" Referred to Committee on Internal Improvements.

On motion of Senator Culberson, the rules were suspended, and House bill No. 562, "An act prescribing the

place for the sale of property under legal process and deeds of trusts in Marion county," was taken up and read first time.

On motion of Senator Culberson, the rules were further suspended, bill read second time and passed to third reading.

Rules further suspended, bill read third time and passed. House concurrent resolution "Withdrawing the pending charges against Hon. J. R. Burnet, of the Thirtieth Judicial District, for reasons therein specified," was read and adopted.

(Senator Flanagan in the chair.)

On motion of Senator Westfall, the rules were suspended and Senate bill No. 457, "An act to repeal an act to repeal sections 30 and 31 of 'an act to organize the courts of justices of the peace and county courts, and to define their jurisdictions, etc.,'" was taken up and read second time, together with a report of the committee, that said bill do not pass.

On motion of Senator Parker, the bill and report was ordered to lie on the table.

Senate bill No. 495, "An act to authorize the county court of Galveston county to use certain special funds in the payment of her bonded debt," was taken up, read second time and ordered engrossed.

Rules suspended, bill read third time and passed.

Senator Shepard introduced a bill entitled "An act for the relief of one Grady Montgomery." Read first time and referred to Judiciary Committee.

Senator Ireland introduced a bill entitled "An act to regulate management of railroad companies." Read first time and referred to Committee on Judiciary.

Senator Allison introduced a bill entitled "An act to compensate and reward Deputy Sheriff J. T. Morris, of Hollin county, for capturing the stage robber, J. C. Reid." Read first time and ordered to lie on the table.

(President in the chair.)

House bill No. 583, "An act to amend an act entitled 'an act to incorporate the Austin College,' approved November 22, 1849," was read first time and referred to Committee on Education.

Senator Westfall introduced a joint resolution "asking

of Congress an appropriation to build a federal courthouse and postoffice at Austin." Read first time.

On motion of Senator Westfall, the rules were suspended, and the joint resolution read second time and ordered engrossed.

On motion of Senator Westfall, the rules were further suspended, bill read third time and passed.

The hour having arrived for the consideration of the special order, to-wit: Senate joint resolution No. 452, "Providing for a convention to frame a constitution for the State of Texas," it was taken up and read second time.

Senator Davenport offered the following amendment: In section two, line two, strike out the words 'one hundred and twenty' and insert the word 'ninety.' Adopted by the following vote.

YEAS—Senators Allison, Ball, Bradley, Camp, Dillard, Davenport, Dwyer, Erath, Friend, Ireland, Joseph, Morris, Moore, Parker, Shepard, Stirman, Swift and Westfall 18.

NAYS—Senators Baker, Bradshaw, Culberson, Ellis, Flanagan, Hobby and Ledbetter—7.

Senator Bradley offered the following amendment: "In section three, strike out from the word 'and' in fifth line, down to the word 'delegate' in seventh line, inclusive." Adopted.

Senator Ball offered the following amendment: "Amend section 4, by striking out the word 'Congressional,' in line 7, and insert the word 'Senatorial,' and thus strike out and insert wherever it occurs." Adopted.

Senator Moore offered the following amendment: "Amend first section, 4th line, by striking out the word 'May' and insert 'September.' Lost by the following vote:

YEAS—Senators Allison, Baker, Bradley, Ellis, Flanagan, Ireland, Ledbetter, Morris, Moore, Parker and Swift. —11.

NAYS—Senators Ball, Bradshaw, Camp, Culberson, Dillard, Davenport, Dwyer, Erath, Friend, Hobby, Joseph, Shepard, Stirman and Westfall 14.

Senator Hobby offered the following amendment: "Strike out in section 4, line 2, the word 'April,' and insert the word 'March,' " Lost by the following vote:

YEAS—Senators Ball, Bradshaw, Erath, Flanagan and Hobby—5.

NAYS—Senators Allison, Baker, Bradley, Camp, Culber-

son, Dillard, Davenport, Dwyer, Ellis, Friend, Ireland, Joseph, Ledbetter, Morris, Moore, Parker, Russell, Shepard, Stirman and Swift—20.

Senator Ireland offered the following amendment: "Amend section 4, line 2, by striking out the words 'Tuesday, in April,' and insert the words 'Monday in August.'"

Pending the discussion on the above amendment, on motion of Senator Parker, the Senate adjourned until 10 o'clock A. M. to-morrow.

ELEVENTH DAY.

SENATE CHAMBER,
AUSTIN, January 23, 1875. }

Senate met pursuant to adjournment; roll called; quorum present. Prayer by Rev. A. G. Stacey, of Austin. Journal of yesterday read and adopted.

Senator Hobby, Chairman Committee on Enrolled Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills ask leave to report that they have examined and find correctly enrolled Senate bill No. 207, "An act to provide for the disposal of certain lands belonging to the State of Texas, and known as the Indian Reservations," and this day at 10 o'clock A. M., presented the same to the Governor for his approval.

Hobby, Chairman.

Senator Joseph, for Committee on Engrossed Bills, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 489, "An act to authorize the person in charge of the Capitol and Capitol grounds and State cemetery, under act of April 29th, 1874, to contract for the necessary piping and fixtures for gas